



# Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.



Dave Freudenthal, Governor

John Corra, Director

October 19, 2009

Ray and Cindy DeVries  
Canyon Concrete  
P.O. Box 48  
Thermopolis, WY 82443

Certified Letter #7008 0150 0001 1174 1613  
Return Receipt Requested

RE: **Issuance of Notice of Violation, Canyon Concrete**

Dear Mr. and Mrs. DeVries:

Enclosed is a Notice of Violation (NOV) issued to your facility for violations of the Wyoming Solid Waste Rules and Regulations (SWRR).

On September 14, 2009, the Wyoming Department of Environmental Quality, Solid and Hazardous Waste Division inspector, Mr. Gary Keene, conducted a complaint inspection of illegal dumping at 1111 Cowboy Mine Road, Thermopolis, WY, for the purpose of evaluating compliance with the SWRR.

The following violations of the SWRR were determined as a result of the inspection:

**Count 1:** The facility does not have a current permit or one-time or emergency disposal authorization (OTA) to manage wastes at this location. [SWRR, Chapter 1, Section 1(f)(i)]. Canyon Concrete hauled sixteen (16) dump truck loads of debris from the demolition of the Lucerne Intermediate School, to the DeVries property, located at 1111 Cowboy Mine Road, Thermopolis, WY, for disposal. The material consisted of brick, concrete, plastic, pipe, electrical wiring and insulation. Chapter 1, Section 1(e)(i) of the SWRR, defines, "Construction/demolition waste" including but not limited to stone, wood, concrete, asphaltic concrete, cinder blocks, brick, plaster and metal. Therefore, the September 14, 2009 inspection, revealed that Canyon Concrete was managing construction/demolition wastes without a permit or a one-time or emergency disposal authorization, in violation of the Wyoming SWRR.

**Count 2:** Groundwater contact. Wastes shall not be allowed to be placed in contact with groundwater. [SWRR, Chapter 3, Section 5(w)]. The 9/14/2009 inspection, revealed that construction/demolition waste was in contact with standing water at the bottom of the excavated trench.



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Herschler Building • 122 West 25th Street • Cheyenne, WY 82002 • <http://deq.state.wy.us>

ADMIN/OUTREACH  
(307) 777-7937  
FAX 777-3610

ABANDONED MINES  
(307) 777-6145  
FAX 777-6462

AIR QUALITY  
(307) 777-7391  
FAX 777-5616

INDUSTRIAL SITING  
(307) 777-7369  
FAX 777-5973

LAND QUALITY  
(307) 777-7756  
FAX 777-5864

SOLID & HAZ. WASTE  
(307) 777-7752  
FAX 777-5973

WATER QUALITY  
(307) 777-7781  
FAX 777-5973



**Therefore, Canyon Concrete was in violation of SWRR, Chapter 3, Section 5(w) of the SWRR.**

Unauthorized disposal activities are significant due to unknown and potential impacts to neighbors, groundwater and soils. Construction and demolition wastes also involve the potential for the uncontrolled disposal of hazardous materials. Therefore, due to the seriousness of the above violations, the department is seeking a penalty. The department has taken into consideration your willingness to cooperate and return the property back to compliance. In order to discuss voluntary settlement, Canyon Concrete must schedule a settlement meeting within ten (10) days of receipt of this letter.

The enclosed NOV does not constitute an Order, under Article 7 of the Wyoming Environmental Quality Act.

If you have any questions regarding this letter or the attached NOV, or wish to schedule a settlement meeting, please feel free to contact Bob Breuer at (307) 473-3454, Charles Plymale at (307) 335-6951, or Gary Keene at (307) 332-6924.

Sincerely,



Carl Anderson  
Administrator, PhD  
Solid and Hazardous Waste Division

Enclosure: NOV

cc: Bob Breuer, I&C Program Manager, SHWD Casper  
Charles Plymale, I&C Lander  
Gary Keen, I&C Lander  
Canyon Concrete File



**BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING**

IN THE MATTER OF THE  
NOTICE OF VIOLATION  
ISSUED TO:

CANYON CONCRETE  
P.O. BOX 48  
THERMOPOLIS, WY 82443

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)  
)  
)  
)

DOCKET NO. 4582-09

**NOTICE OF VIOLATION**

NOTICE IS HEREBY GIVEN THAT:

On September 14, 2009, Wyoming Department of Environmental Quality, Solid and Hazardous Waste Division inspector, Mr. Gary Keene, conducted a complaint inspection of illegal solid waste dumping at Canyon Concrete, 1111 Cowboy Mine Road, Thermopolis, WY, for the purpose of evaluating compliance with the Wyoming Solid Waste Rules and Regulations (SWRR).

The inspection revealed the following violations of the SWRR:

- Count 1:** The facility does not have a current permit or one-time or emergency disposal authorization (OTA) to manage wastes. [SWRR, Chapter 1, Section 1(f)(i)]. Canyon Concrete hauled sixteen (16) dump truck loads of debris from the demolition of the Lucerne Intermediate School, to the DeVries property, located at 1111 Cowboy Mine Road, in Thermopolis, Wyoming, for disposal. The material consisted of brick, concrete, plastic, pipe, electrical wiring and insulation. Chapter 1, Section 1(e)(i) of the SWRR, defines "Construction/demolition waste" including but not limited to stone, wood, concrete, asphaltic concrete, cinder blocks, brick, plaster and metal. The September 14, 2009 inspection, revealed that Canyon Concrete was managing construction/demolition wastes without a permit or a one-time or emergency authorization, in violation of Chapter 1, Section 1(f)(i), of the Wyoming SWRR.
- Count 2:** Groundwater contact. Wastes shall not be allowed to be placed in contact with groundwater. [SWRR, Chapter 3, Section 5(w)]. The construction/demolition waste was in contact with standing water in the bottom of the excavated trench. Therefore, Canyon Creek was in violation of SWRR, Chapter 3, Section 5(w).

ANY PERSON who violates any provision of the Environmental Quality Act, or any rules, standard, permit, license, or variance adopted thereunder, is liable to a penalty of ten thousand dollars (\$10,000) for each day of violation, which penalty may be recovered in a civil action brought by the Attorney General in the name of the People of the State of Wyoming; and

THIS NOTICE OF VIOLATION is being sent to you pursuant to Wyoming Statute 35-11-701(c) which requires that in any case of the failure to correct or remedy an alleged violation the

NOTICE OF VIOLATION

TO: [Name of Facility]

On [Date], the [Name of Facility] was inspected by the [Name of Inspector] of the Department of Environmental Quality, Solid and Hazardous Waste Division. The inspection was conducted in accordance with the [Name of Regulation] and the [Name of Regulation]. The [Name of Facility] was found to be in violation of the [Name of Regulation] and the [Name of Regulation].

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